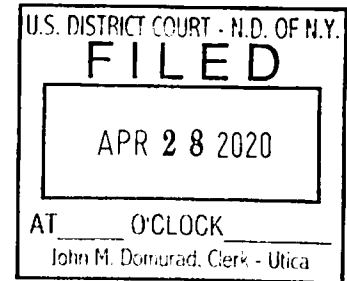


**United States District Court
Northern District of New York**

Karen Reynolds,)	Case 3:19-cv-00935-DNH-ATB
<i>Plaintiff,</i>)	
)	Andrew T. Baxter
vs.)	United States Magistrate Judge
)	
Andrew Saul,)	David N. Hurd
Commissioner of the Social)	United States District Judge
Security Administration)	
<i>Defendant.</i>)	



Consent Order for Payment of Fees under the Equal Access to Justice Act

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees and expenses under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of seven-thousand, two-hundred and forty-two dollars (\$7,242.00), and costs in the amount of \$400.00.

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to his attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. Astrue v. Ratliff, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

There are no provisions in the Social Security Act to permit costs to be charged against the Commissioner, but certain costs, including filing fees, may be charged against the United States. See 28 U.S.C. §§ 1920 (defining costs to include filing fees); 2412(a)(1) (specifying that costs are to be awarded pursuant to 28 U.S.C. § 1920 and paid by the United States); 2412(d)(1)(A) (specifying that costs are to be paid pursuant to 28 U.S.C. § 2412(a)); 2412(d)(2) (defining fees and other expenses); 2412(d)(4) (specifying that the agency shall pay fees and other expenses).

AND, the Court having reviewed the record in this matter;

IT IS on this 28 day of April, 2020;

ORDERED that Plaintiff be awarded fees under EAJA in the amount of \$7,242.00, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney.

ORDERED that Plaintiff be awarded \$400.00 in costs to be paid by the Department of the Treasury's Judgment Fund.

ORDERED that all checks paid consistent with this order must be mailed to: 11450 Bustleton Avenue, Philadelphia, PA 19116

ORDERED that this award will fully and completely satisfy any and all of Plaintiff's claims for fees under 28 U.S.C. § 2412, and costs under 28 U.S.C. § 1920 and Fed. R. Civ. P. 54(d)(1).

ORDERED that the within matter is dismissed with prejudice.


HON. DAVID N. HURD
UNITED STATES DISTRICT COURT

The undersigned hereby consent to the form and entry of the within order.

Dated: April 27, 2020

Andrew Saul,

Karen Reynolds,

By His Attorneys,

By Her Attorney,

Grant C. Jaquith,
United States Attorney

/s/ Sean Santen
Sean D. Santen
Special Assistant United States Attorney

/s/ David Chermol¹
David F. Chermol, Esq.
Chermol & Fishman, LLC

¹ Signed by Sean Santen with David Chermol's permission.

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